

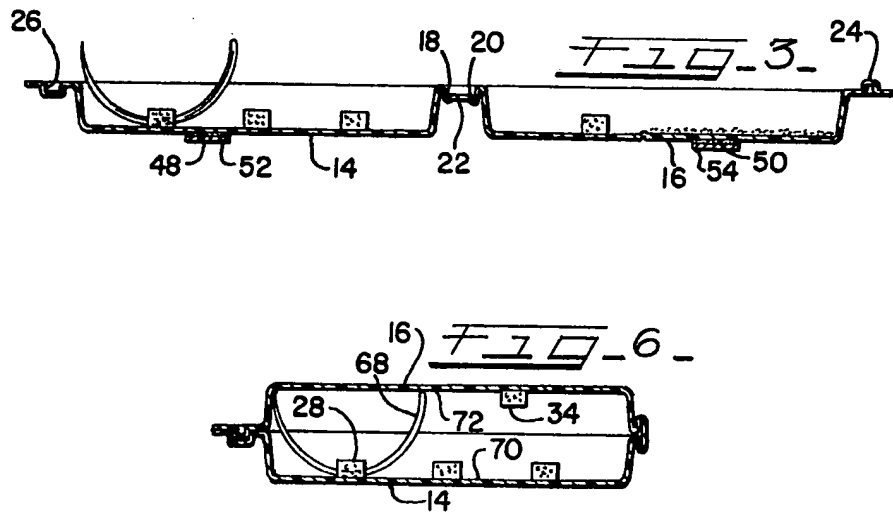
REMARKS

The above-referenced application has been reviewed in light of the Office Action mailed October 19, 2004. It is respectfully submitted that the claims present in the application are fully supported by the specification, introduce no new subject matter, and are patentable over the prior art. Prompt and favorable consideration of the claims is respectfully requested.

In the Office Action, claims 1-18 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 5,733,293 to Scirica et al. (the '293 patent) in view of U.S. Patent No. 4,243,140 to Thrun (the '140 patent). According to the Office Action, the '293 patent discloses a package for a needle and suture having a base, a cover, a needle park, a rail defining a suture race, and an aperture for passage of the suture. In addition, the '293 patent discloses that the cover is retained by tabs and is completely removable from the base. The Office Action stated that the '140 patent discloses a container having a cover attached to a base by a hinge and that it would have been obvious to combine the package of the '293 patent with the hinge of the '140 patent.

The '293 patent discloses a package for one or more needles with attached suture having a top plate and a bottom plate. The top plate includes a needle park, a rail defining a suture race, and an aperture for passage of the suture. In addition, the '293 patent discloses that the bottom plate is detachably affixed to the top plate by tabs that are formed along an outer perimeter of the top plate such that the bottom plate and the top plate may be snap or press fit together (Column 5, lines 17-21).

The '140 patent relates generally to a sharps container. According to the '140 patent, the container is "comprised of two open-topped boxes 14 and 16 which are provided with live hinges 18 and 20 as well as spacer 22" as illustrated in FIG. 3 reproduced below (see the '140 patent Column 3, lines 44-46). In addition, the '140 further states that "the medical personnel can fold the container together by means of the live hinges 18 and 20 and spacer 22" as shown in FIG. 6 reproduced below (see the '140 patent Column 5, lines 12-14).



The hinges disclosed in the '140 patent are separated by a spacer thereby allowing the open-topped boxes to be aligned with each other as the open-topped boxes of container are folded together as shown in FIG. 6.

Claim 1 recites a package for retaining a needle-suture combination including, *inter alia*, a base portion, a cover portion, and the "cover portion being integrally connected to the base portion via a hinge." Claim 9 recites a package for retaining a needle-suture combination including, *inter alia*, a base portion and "a cover connected to the base portion via a hinge."

Claim 17 recites a method of loading a package for retaining a needle-suture combination including, *inter alia*, the steps of providing a package for retaining a needle-suture combination and the package includes, *inter alia*, "a molded base portion having a hinge-side edge and a free edge" and "a molded cover portion having a hinge-side edge and a free edge, the cover portion being integrally connected to the base portion along the hinge-side edges." As discussed above, the '293 patent discloses that the top and bottom portions are releasably affixed to one another using tabs located along an outer perimeter of the top portion. The '293 patent does not teach or fairly suggest attaching the top and bottom portions using a hinge. The '140 patent relied on in the Office Action discloses two open-topped boxes where each open-topped box includes a hinge and the hinges are joined together using a spacer (Column 3, lines 42-46) thereby allowing the open-topped boxes to be aligned as the container is folded together.

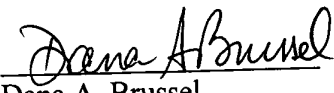
Combining the '293 patent with the '140 patent as suggested by the Office Action does not result in a device having a "cover portion being integrally connected to the base portion via a hinge" as recited in claim 1, a device having "a cover connected to the base portion via a hinge" as recited in claim 9, or providing a device having "a molded base portion having a hinge-side edge and a free edge" and "a molded cover portion having a hinge-side edge and a free edge, the over portion being integrally connected to the base portion along the hinge-side edges" as recited in claim 17. In addition, the '140 patent issued on January 6, 1981, the '293 patent issued on March 31, 1998, while the present application was filed on July 14, 2003. Although the Office Action asserted that it would have been obvious to combine the '293 patent with the '140 patent, the Applicants note that the Office Action did not uncover other references published after the issuance of the '293 patent issued showing the combination recited in claims 1, 9, and 17.

Appl. No. 10/618,806
Amdt. dated January 11, 2005
Reply to Office Action mailed October 19, 2004

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims pending in the application, namely claims 1-18, are in condition for allowance. Should the Examiner desire a telephonic interview to resolve any outstanding matters, he is sincerely invited to contact the undersigned at (631) 501-5713.

Respectfully submitted,

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